REMARKS/ARGUMENTS

Applicants file this Continuation Application and Preliminary Amendment to prosecute various of the claims canceled from the parent case application Serial No. 09/540,386. The claims listed above are in the form as originally submitted in the parent case with the following exceptions:

- Claims 1, 3, 5, 22, 47, 49, 61 and 64 are further amended;
- Claims 2, 4, 6-11, 15, 16, 18-21, 27-35, 39-41, 43-46, 48, 50-55 and 57-60 are canceled (some of which were allowed in the parent case); and
- Claims 65-71 are new.

Based on the arguments and amendments contained herein, Applicants believe all pending claims to be in condition for allowance. Accordingly, Applicants respectfully request reconsideration and allowance of the pending claims.

In the Office Action of April 4, 2003, in the parent case, the Examiner used Hirata et al (U.S. Patent No. 5,327, 560) to reject various claims. As shown in Figure 2 of Hirata, Hirata is directed to a network comprising a plurality of host computers 1, a communication control processor (CCP) 2 coupled to host computers 1, and a plurality of resources coupled to the CCP 2. See also column 7, lines 20-36. Using the method of Hirata, configuration information of the network that is exchanged between the host computer 1 and the CCP 2 may be updated. See Abstract of Hirata.

As amended, independent claim 1 recites a method that comprises "encrypting the restorable resource to form an encrypted restorable resource." Hirata does not teach, suggest or even imply encrypting the configuration information that is exchanged between host computer 1 and CCP 2. Thus, the method of Hirata does not comprise encrypting the restorable resource as is required by claim 1. At least for this reason, claim 1 is allowable over Hirata.

Claims 3, 5, 12-14 and 17 depend on or from claim 1 and thus are allowable at least for the same reason as claim 1. Applicants also amend claim 3 to explain that the method further comprises providing the encrypted restorable resource to the computer. Hirata does not disclose the limitation of claim 3. Applicants also change the dependency of claim 5 to make claim 5 depend on

claim 3 and further amend claim 5 to refer to the restorable resource as an "encrypted" restorable resource per the amendment of claim 1.

As amended, independent claim 22 describes a system comprising a configuration manager that is, among other things, "adapted to authenticate the restoration request." Hirata does not teach or suggest authenticating a restoration request in any form. At least for this reason, claim 22 is allowable over Hirata. Claims 23-26, 36-38 and 42 depend on or from claim 22 and thus are allowable at least for the same reason as claim 22.

As amended, claim 47 describes a device that comprises program instructions, that when executed by a processing device perform a method for restoring a resource on a computer. The method comprises "identifying an available upgrade for the restorable resource." Hirata does not teach or suggest identifying an upgrade for a restorable resource. At least for this reason, claim 47 is allowable over Hirata. Claims 49 and 56 depend on or from claim 47 and thus are allowable at least for the same reason as claim 47. Applicants also amend claim 49 to depend from claim 75, which itself depends from claim 47, and to refer to providing the restorable resource or the upgrade of the restorable resource.

As amended, claim 61 describes "a system for updating a computer system having a plurality of installed resources, comprising a configuration manager" that is, among other things, "adapted to bill the user." Hirata does not teach or suggest billing the user. At least for this reason, claim 61 is allowable over Hirata. Claims 62 and 63 depend on claim 61 and thus are allowable over Hirata at least for the same reason as claim 61.

As amended, claim 64 describes a system that comprises "means for encrypting the restorable resource." Hirata does not teach or suggest any form of encryption. At least for this reason, claim 64 is allowable over Hirata.

Applicants submit new dependent claims 65-71 that depend from allowable base claims. Some or all of claim 65-71 are patentable for additional reasons as well. For example, new dependent claims 65, 66 and 67 depend on allowable claim 64 and thus are patentable over Hirata at least for the same reason as claim 64. Further, claim 65 requires "means for authenticating said

restoration request," while claims 66 and 67 require "means for billing a user based on the restoration requests" (claim 66) and "means for providing the encrypted restorable resource" (claim 67). As explained above, Hirata does not teach or even suggest any of these limitations.

New, dependent claims 68, 69 and 70 stem from claim 47 and are allowable at least for the same reason described above regarding claim 47. Claim 68 also requires the claimed method to comprise offering the restorable resource and the upgrade. Claim 69 requires enabling a user to select either the restorable resource or the upgrade and claim 70 requires providing the restorable resource or the upgrade based on the user's selection. Hirata does not disclose any of these features.

New dependent claim 71 stems from claim 1 and is patentable for the same reason as claim 1. Claim 71 also comprises "providing the encrypted restorable resource to a server connected to the computer." Hirata does not teach or suggest this feature.

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the prior art which have yet to be raised, but which may be raised in the future.

Applicants respectfully request reconsideration and allowance of the pending claims. If any fees or time extensions are inadvertently omitted or if any fees have been overpaid, please appropriately charge or credit those fees to Hewlett-Packard Company Deposit Account Number 08-2025 and enter any time extension(s) necessary to prevent this case from being abandoned.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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